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PTO/SB/01A (08-03).

Approved for use through 10/31/2002. OMB 0651-0032.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE.

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION
USING AN APPLICATION DATA SHEET (37 CFR 1.76)****Title of Invention****LIGANDS OF ADENINE NUCLEOTIDE TRANSLOCASE (ANT)
AND COMPOSITIONS AND METHODS RELATED THERETO**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 10/741,823, filed on December 19, 2003,
☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)Inventor one: Soumitra S. GhoshCitizen of: United StatesSignature: *Soumitra S. Ghosh*Date: 2/18/04Inventor two: Yazhong PeiCitizen of: People's Republic of China

Signature: _____

Date: _____

Inventor three: Xiao-Qing TangCitizen of: People's Republic of China

Signature: _____

Date: _____

Inventor four: _____

Citizen of: _____

Signature: _____

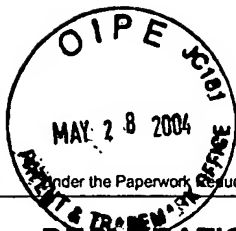
Date: _____

☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: P.O. Box 1450, Alexandria, VA 22313-1450.

Docket No. 660088.467

V445555



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FULL NAME OF INVENTOR(S)Inventor one: Soumitra S. GhoshCitizen of: United States

Signature: _____

Date: _____

Inventor two: Yazhong PeiCitizen of: People's Republic of ChinaSignature: Date: April 15, 2004Inventor three: Xiao-Qing TangCitizen of: People's Republic of China

Signature: _____

Date: _____

Inventor four: _____

Citizen of: _____

Signature: _____

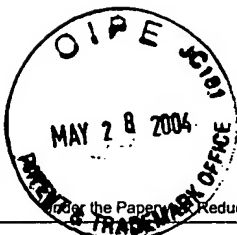
Date: _____

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FULL NAME OF INVENTOR(S)Inventor one: Soumitra S. GhoshCitizen of: United States

Signature: _____

Date: _____

Inventor two: Yazhong PeiCitizen of: People's Republic of China

Signature: _____

Date: _____

Inventor three: Xiao-Qing TangCitizen of: People's Republic of ChinaSignature: [Signature]Date: 2-19-04

Inventor four: _____

Citizen of: _____

Signature: _____

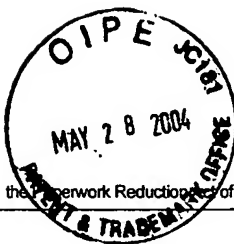
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Docket No. 660088.467

1445555

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Soumitra S. Ghosh, Yazhong Pei and Xiao-Qing TangApplication No./Patent No.: 10/741,823 Filed/Issue Date: December 19, 2003Entitled: **LIGANDS OF ADENINE NUCLEOTIDE TRANSLOCASE (ANT) AND
COMPOSITIONS AND METHODS RELATED THERETO**MitoKor, Inc.

(Name of Assignee)

a

corporation(Type of Assignee, e.g., corporation, partnership,
university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.
The assignment was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the
current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title noted in B above are
attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be
submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records
of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

18 MAY 2004
Date(858) 793-7800

Telephone Number

Neil Howell, Ph.D.

Typed or printed name

Signature

Vice President of Research

Title

COPY

ASSIGNMENT

WHEREAS, we, **Soumitra S. Ghosh**, having a mailing address of 12334 Pathos Lane, San Diego, California 92129; **Yazhong Pei**, having a mailing address of 5185 Seachase Street, San Diego, California 92130; and **Xiao-Qing Tang**, having a mailing address of 11861 Ramsdell Court, San Diego, California 92131 (hereinafter referred to as ASSIGNORS), are the joint inventors of an invention entitled "**LIGANDS OF ADENINE NUCLEOTIDE TRANSLOCASE (ANT) AND COMPOSITIONS AND METHODS RELATED THERETO**," as described and claimed in the specification for which an application for United States letters patent was filed on December 19, 2003 and assigned Application No. 10/741,823, which application claims the benefit of U.S. Provisional Patent Application No. 60/435,394 filed December 20, 2002; and for which an application was filed on December 19, 2003 with the U.S. Receiving Office of the PCT and assigned Application No. PCT/US03/41213;

WHEREAS, **MitoKor, Inc.** (hereinafter referred to as ASSIGNEE), a corporation of the State of Delaware having a place of business at 11494 Sorrento Valley Road, San Diego, California 92121, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United

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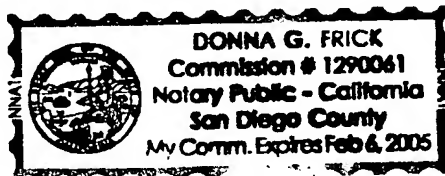
Application No. 10/741,823

States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

2/18/04
Date
Soumitra S. Ghosh
State of California)
County of San Diego)
SS.

I certify that I know or have satisfactory evidence that Soumitra S. Ghosh is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Feb. 18, 2004
Signature of Notary Public Donna Frick
Printed Name Donna Frick
My appointment expires Feb. 6, 2005



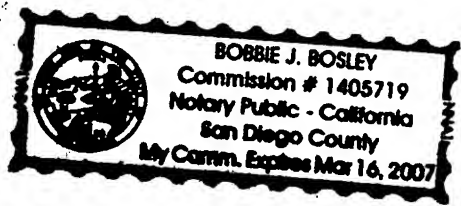
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APRIL 15, 2004 [Signature]
Date Yazhong Pei
State of CA)
County of SAN DIEGO) ss.

I certify that I know or have satisfactory evidence that Yazhong Pei is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated April 15, 2004
Signature of Notary Public Bobbie J. Bosley
Printed Name Bobbie J. Bosley
My appointment expires 3/16/07



COPY

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Application No. 10/741,823

Date 2-19-04 Xiao-Qing Tang
Xiao-Qing Tang
State of California
County of San Diego)
SS.

I certify that I know or have satisfactory evidence that Xiao-Qing Tang is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated February 19, 2004
Signature of Sherry Dollins
Notary Public
Printed Name Sherry Dollins
My appointment expires Jan. 29, 2006

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On February 19, 2004, before me, Sherry Dollins, personally appeared Xiao-Qing Tang, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

COPY